

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
NOVEMBER 3, 2014
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:06 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

Member Bennett made a motion, seconded by Member Sprague, approving the meeting agenda, as modified to add Item V.A. Recognition of Edina High School Wrestling Team.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Brindle, approving the consent agenda as revised to remove Item E. Authorize Engineering Services - Design and Construction Inspection for Lighting and Landscape Components of the France Avenue Improvements, as follows:

IV.A. Approve regular and work session meeting minutes of October 21, 2014

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated October 23, 2014, and consisting of 25 pages; General Fund \$226,255.49; Pedestrian and Cyclist Safety Fund \$11,268.10; Working Capital Fund \$4,771.57; Art Center Fund \$1,003.79; Aquatic Center Fund \$109.79; Golf Course Fund \$2,805.88; Ice Arena Fund \$11,054.01; Sports Dome Fund \$1,675,480.71; Edinborough Park Fund \$7,306.33; Centennial Lakes Park Fund \$3,444.32; Liquor Fund \$175,199.47; Utility Fund \$74,219.74; Storm Sewer Fund \$10,262.30; PSTF Agency Fund \$2,457.33; Valley View/Wooddale TIF District \$10,204.09; TOTAL \$2,215,842.92 and for receipt of payment of claims dated October 30, 2014, and consisting of 37 pages; General Fund \$469,051.00; Police Special Revenue \$2,865.47; Pedestrian and Cyclist Safety Fund \$221,727.73; Arts and Culture Fund \$616.00; Working Capital Fund \$1,410,097.19; Equipment Replacement Fund \$6,988.00; Art Center Fund \$3,950.63; Golf Dome Fund \$1,294.04; Aquatic Center Fund \$14,328.00; Golf Course Fund \$9,030.57; Ice Arena Fund \$24,887.45; Sports Dome Fund \$7,524.78; Edinborough Park Fund \$13,284.54; Centennial Lakes Park Fund \$936.40; Liquor Fund \$187,965.29; Utility Fund \$583,699.07; Storm Sewer Fund \$86,603.97; PSTF Agency Fund \$30.30; Payroll Fund \$10,954.89; TOTAL \$3,056,377.82

IV.C. Approve Revised 2015 Council Meeting Dates, Board and Commission Meeting Dates and Dates of Religious Observances

IV.D. Approve Permanent Easement Agreement at 7235 France Avenue (Macy's Property)

IV.E. ~~Engineering Services - Design and Construction Inspection for Lighting and Landscaping Components of the France Avenue Improvements~~

IV.F. Authorize Engineering Services for Valley View Road - Final Design and Construction Administration

IV.G. Adopt Resolution No. 2014-114, approving Lot Division, 5320 Kelsey Terrace

IV.H. Adopt Resolution No. 2014-116, approving School Resource Officer Services with Edina Public Schools

IV.I. Approve Contract for Criminal Prosecution Legal Services with Patrick Leach

IV.J. Approve Avolve Software Corporation Licensing Agreement

Rollcall:

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Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.E. ENGINEERING SERVICES – DESIGN AND CONSTRUCTION INSPECTION FOR LIGHTING AND LANDSCAPING COMPONENTS OF THE FRANCE AVENUE IMPROVEMENTS – AUTHORIZED

The Council referenced the letter from WSB, Inc. that stated, "Some of the work associated with this proposal has already been completed." and asked Engineer Millner to specify what work had been completed and what work remained incomplete. Mr. Millner answered that tasks one and two were completed and task 3 was partially completed. **Member Sprague made a motion, seconded by Member Swenson, Authorizing Engineering Services with WSB, Inc. for Design and Construction Inspection for Lighting and Landscaping Components of the France Avenue Corridor Improvements.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. EDINA HIGH SCHOOL WRESTLING TEAM – RECOGNIZED

Coach Josh Burhans shared the Edina Wrestling Team's excitement. He explained that the current team was the first team since 1994 that was comprised completely of students attending Edina High School. Since 1994, the wrestling team had been cooperative teams with Richfield High School. However, Edina was forming youth and middle school programs as well. Coach Burhans thanked the wrestlers, parents, and school administration and shared that Edina High School was hosting two home events on December 16, 2014, and February 5, 2015. He then introduced the 2014-2015 team captains who thanked the Council for inviting the team to share their excitement with the community.

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VIA. FIRST READING FOR AMENDING CHAPTER 36, FRONT YARD SETBACK, FIRST FLOOR 1-FOOT RULE FOR TEARDOWNS/REBUILDS AND LIGHTING – ORDINANCE NO. 2014-18 GRANTED FIRST READING

Community Development Director Presentation

Community Development Director Teague reported that over the past several months, the Planning Commission had been considering an Ordinance Amendment regarding front street setback; first floor elevation for tear down/rebuilds; elimination of minimum and maximum unit size for multi-family apartments; and, lighting. He explained that the Conditional Use Permit requirement for the one-foot rule was added to the Ordinance at a time when variances were not allowed. Staff and the Planning Commission were recommending that the conditions required for a Conditional Use Permit would remain in effect, but required as part of the variance instead. Mr. Teague explained that with the front setback and one foot rule, the Ordinance Amendment had been written to meet the intent of the original language.

The Council discussed returning to the original language using the average of the entire block because homebuilding over decades has produced wide variations in front yard setback, even on the same block. Mr. Teague responded staff would agree with that recommendation.

The Council discussed the legislative history of the minimum and maximum unit size for multi-family housing, new lighting requirements, grading requirements, and whether hydrologists should be hired by the City rather than by property owners or builders.

Mayor Hovland opened the public hearing at 7:36 p.m.

Public Testimony

Lori Grotz, 5513 Park Place, addressed the Council.

Member Swenson made a motion, seconded by Member Bennett, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

The Council requested that staff provide examples of impact for the changes in setback requirements prior to Second Reading of the Ordinance. **Member Sprague made a motion to grant First Reading to Ordinance No. 2014-18, amending Front Yard Setback Requirements and First Floor Elevation Regulations for Tear Down Rebuilds. Member Bennett seconded the motion.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

VI.B. SIDEWALK FACILITIES MAP COMPREHENSIVE PLAN AMENDMENT – RESOLUTION NO. 2014-137 TABLED

The Council discussed the communities' concerns relating to sidewalks and decided to table the vote to the December 2, 2014 regular Council meeting. It was agreed that staff would schedule neighborhood meetings in each of the four quadrants in order to gain more feedback.

Transportation Planner Presentation

Transportation Planner Nolan shared that as part of the Living Street Plan, staff prepared a Sidewalk Facilities Map based on the 2008 Comprehensive Plan; the approved Living Streets policy; and, input from staff, officials, and residents. The Sidewalk Facilities Map identified streets that currently have sidewalks and streets where sidewalks were planned over the next 20 to 30 years. Sidewalks within the City were divided into the following three categories: State-Aid, Active Routes to School, and City. Financing of future sidewalks would come from State-Aid and the Pedestrian and Cyclist Safety Fund for any sidewalk located adjacent to a State-Aid designated roadway and from the Pedestrian and Cyclist Safety Fund for any sidewalk located adjacent to a non-State-Aid designated roadway.

Mr. Nolan answered questions from the Council, indicating that the Active Routes to School was approved in February 2014 and the Pedestrian and Cyclist Safety Fund was approximately \$1.1 million per year.

Mayor Hovland opened the public hearing at 8:16 p.m.

Public Testimony

Russ Nelson, 7117 West Shore Drive, addressed the Council.

Nancy Thorvilson, 7221 Oaklawn Avenue, addressed the Council.

Don Gjevre, 7016 West Shore Drive, addressed the Council.

Martin Laventure, 6717 West Shore Drive, addressed the Council.

Deanne Dubbs, 5316 Maddox Lane, addressed the Council.

Brien Martin, 5329 Maddox Lane, addressed the Council.

Walt McClure, 6621 West Shore Drive, addressed the Council.

Coby Laventure, 6717 West Shore Drive, addressed the Council.

Chad Rasmussen, 5320 Maddox Lane, addressed the Council.

Emily Boettge, 6816 Oaklawn Avenue, addressed the Council.

Wallace Norlander, 5317 Maddox Lane, addressed the Council.

Paul Hanson, 5224 Maddox Lane, addressed the Council.

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Ronald Rich, 7008 West Shore Drive, addressed the Council.

Robert Dooley, 5228 Maddox Lane, addressed the Council.

Carol Myslivecek, 5225 Maddox Lane, addressed the Council.

Troy Paulson, 5116 Juanita Avenue, addressed the Council.

Troy Kerin, 6716 West Shore Drive, addressed the Council.

David Hatzung, 6708 West Shore Drive, addressed the Council.

Kathleen Nelson, 7117 West Shore Drive, addressed the Council.

Paul Nelson, 5220 Duggan Plaza, addressed the Council.

Arthur Thelemann, 5132 Valley View Road, addressed the Council.

Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Nolan answered questions raised during the public hearing, indicating that the plan only addressed arterial, collector, and local streets and did not address connector streets. The cost for installing sidewalks included retaining walls, re-grading, etc., and were covered by the Pedestrian and Cyclist Safety Fund. Mr. Nolan also answered that residents would be responsible for snow removal on the sidewalks.

Engineer Millner discussed impacts associated with the sidewalks. He stated that the City makes every attempt to balance impacts including avoiding trees and utilities.

Attorney Mattick answered a question concerning property taxes, indicating that property taxes would not change because the City had right-of-way in the area where the sidewalks would be installed.

The Council asked staff to create a map to communicate a timeline for sidewalk installations for the neighborhoods.

Member Sprague made a motion, seconded by Member Bennett, tabling Resolution No. 2014-137, approving a Comprehensive Plan Amendment to Revise and Replace the Pedestrian Facilities Section of Transportation Chapter 7, to December 2, 2014.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

Daniel Dulas, 4609 Bruce Avenue, expressed concern about the total teardown at 4505 Arden Avenue on October 27, 2014.

Ronald Lamberton, 4108 Sunnyside Road, expressed concern that rules for notifying surrounding homes of construction were not being followed.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. COLLABORATIVE DEVELOPMENT PLANNING AGREEMENT – FORMER PUBLIC WORKS SITE, 5146 EDEN AVENUE – AUTHORIZED

Economic Development Manager Neuendorf reported that on September 16, 2014, the City Council selected Frauenshuh Commercial Real Estate Group as the preferred team to explore public/private development scenarios for the former Public Works site at 5146 Eden Avenue. Frauenshuh and the City would work collaboratively to shape a mixed-use project that would be responsive to the needs of the community and successful in the marketplace. A Collaborative Development Planning Agreement had been prepared to identify terms of that planning process. Mr. Neuendorf noted the Agreement outlined a work plan to explore and prepare development scenarios for the site. If the planning process was successful and resulted in a redevelopment concept approved by the City Council, then Frauenshuh would be responsible for the \$110,500.00 cost of the planning process and the City would be responsible for incidental costs of legal, financial, and planning reviews ordered on its own behalf independently of the Agreement. If the planning process does not identify a redevelopment concept approved by the City Council, then the City would be responsible for a portion of Frauenshuh's cost.

The Council discussed the possibility of 100% public use and whether or not Frauenshuh was prepared for that option. Mr. Neuendorf responded that there was a provision for that in the Agreement. The Council also discussed whether or not the Agreement contained an adequate public engagement process. **Member Swenson made a motion, seconded by Member Brindle, authorizing the Mayor and City Manager to execute the collaborative Development Planning Agreement with Frauenshuh Commercial Real Estate Group and direct City staff to implement the collaborative work plan.**

The Council discussed tabling this item in order to look more closely at the public engagement process. Mr. Neuendorf shared that the Council could add a more robust public engagement process later if it was felt that was needed.

Ayes: Brindle, Swenson, Hovland

Nays: Bennett, Sprague

Motion carried.

VIII.B. ORDINANCE NO. 2014-19 PARKING PERMIT POLICY AND FEES, AMENDING CHAPTERS 2 AND 24 PARKING FEES, 50TH AND FRANCE COMMERCIAL DISTRICT – GRANTED FIRST READING

Mr. Neuendorf shared that in April 2014, significant changes were made to the parking regulations at the 50th and France public parking ramps with a goal of increasing its longevity and efficiency. City staff recently held a listening session to hear comments and suggestions about the impact of the new policy. The cost of monthly parking permits was proposed to remain unchanged at \$10.00 per month. Two changes recommended for 2015 were to allow employees to park in a portion of the South Ramp rooftop and to issue daily parking permits to address the needs of temporary employees and customers/clients with full-day appointments. These changes were supported by the 50th and France Business Association.

The Council expressed concern that the lower covered area of the South ramp should be charged at a higher rate. **Member Sprague made a motion to grant First Reading to Ordinance No. 2014-19, amending Chapters 2 and 24 of the Edina City Code Concerning Permits for Municipal Parking Facilities, as modified to charge \$25.00 for employee parking in the lower level of the South Ramp. Member Swenson seconded the motion.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.C. RESOLUTION NO. 2014-113 ADOPTED – ACCEPTING VARIOUS GRANTS AND DONATIONS

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2014-113 accepting various grants and donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

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Motion carried.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.B. HUMAN RIGHTS AND RELATIONS COMMISSION RESIGNATION – Received

IX.C. EDINA TRANSPORTATION COMMISSION ADVISORY COMMUNICATION: BICYCLING IN MUNICIPAL PARKING FACILITIES ORDINANCE – Received

IX.D. MINUTES:

- 1. PLANNING COMMISSION, SEPTEMBER 10, 2014**
- 2. EDINA TRANSPORTATION COMMISSION, SEPTEMBER 18, 2014**
- 3. HUMAN RIGHTS AND RELATIONS COMMISSION, SEPTEMBER 23, 2014**

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

XII. MANAGER'S COMMENTS – Received

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:31 p.m.

Respectfully submitted,

Jennifer Bennerotte,
Communications & technology Services Director

Minutes approved by Edina City Council, November 18, 2014.

James B. Hovland, Mayor

Video Copy of the November 3, 2014, meeting available.